

DECISION NOTICE

Northern Area Licensing Sub Committee

Decision made on 5 October 2018

**Application for a Variation of a Premises Licence; Whitehall Garden Centre,
Corsham Road, Lacock, Chippenham, SN15 2LZ**

The Sub-committee has resolved to vary the Premises Licence for the Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, SN15 2LZ as follows:-

1. To amend the current ON Sales hours to mirror those of the OFF Sales, being Monday to Saturday 08:00hrs to 23:00hrs, Sunday 12:00hrs to 22:30hrs.
2. To Include the Lavender Lodge for the sale of alcohol ON Sales.
3. Include the Ice Rink Café for sale of alcohol ON Sales – 1st October to 31st January, Monday to Saturday 09:00hrs to 19:30hrs and Sunday 10:30hrs to 16:30hrs.
4. To amend the current Non Standard Timings for ON Sales as follows;
 - a) Good Friday, 12:00hrs to 22:30hrs.
 - b) Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs.
 - c) New Year's Eve, (except on a Sunday) 10:00hrs to 23:00hrs.
 - d) New Year's Eve (on a Sunday) 12:00hrs to 22:00hrs.
 - e) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

For OFF Sales;

- a) Good Friday 08:00hrs to 22:30hrs
- b) Christmas Day 12:00hrs to 15:00hrs - 19:00hrs to 22:30hrs

Reasons

The Sub Committee took into account the written representations, along with verbal representations made at the hearing from the applicant and on behalf of those making a relevant representation.

The Sub Committee noted the residents' concerns that an extension of licensable activities at the Centre could lead to both additional vehicle movements and a potential increase in public nuisance, particularly from the sale of alcohol in the ice-rink area.

However, the Sub Committee did not consider that the proposed limited extension to the areas of the Centre in which alcohol could be sold, and the hours for such sales, would have any material impact on the numbers of visitors or vehicles to the Centre. They also accepted that the nature of the proposed alcohol would not lead to any increased risk of public nuisance, particularly with the addition of the conditions that had been agreed with the Applicant, which they supported. Therefore, they did not believe that the

proposed licence variation would have any material impact on the licensing objectives. If there were to be such an impact, then the option of a Review would be available to the residents.

The Sub-committee accepted that there remained traffic issues at the Centre, although the Applicant had sought to address these to some extent. However, those issues arose from the general operation of the Centre, not from the licensing activities, so could not be addressed through the licensing regime.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.